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1642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Brian R. Murphy et al.

Serial No.: 09/444,221

Group Art Unit: 1642

Filing Date: November 19, 1999

Examiner: B.G. Brumback

For: PRODUCTION OF ATTENUATED RESPIRATORY SYNCYTIAL VIRUS  
VACCINES FROM CLONED NUCLEOTIDE SEQUENCES

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DATE OF DEPOSIT: September 24, 2002  
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FOR PATENTS AND TRADEMARKS,  
WASHINGTON, DC 20231.

TYPED NAME: Jeffrey J. King  
REGISTRATION NO.: 38,576

**BOX AF**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed June 26, 2002, finally rejecting claims 63, 90, 93-94, 100-101, 103, 114-124, 131, and 133, of the above-identified patent application.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

- Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:

10/01/2002 AWHDAF1 00000022 233050 09444221

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- an Independent Inventor
- a Small Business Concern
- a Nonprofit Organization

## 2. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(4)) for the total number of months checked below:

	SMALL ENTITY		NOT SMALL ENTITY	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$ )	minus	(\$ )
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$160	\$	\$320	\$ 320.00
TOTAL FEE DUE				\$ 320

## 2. FEE PAYMENT

- Please charge my Deposit Account No. 23-3050 in the amount of \$320.00. A duplicate of this transmittal is attached.
- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office

in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

Date: September 24, 2002

Jeffrey J. King  
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